

AGILENT TECHNOLOGIES, INC.  
Legal Department, DL429  
Intellectual Property Administration  
P. O. Box 7599  
Loveland, Colorado 80537-0599

ATTORNEY DOCKET NO. 10003516-1

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NOV 20 2006

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Yakhini et al.

Serial No.: 09/938,937

Examiner: Sisson, Bradley L.

Filing Date: August 24, 2001

Group Art Unit: 1634

Title: Use of Unstructured Nucleic Acids In Assaying Nucleic Acid Molecules

COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria VA 22313-1450

**REQUEST FOR CONTINUED EXAMINATION (RCE) 37 CFR 1.114**

Subsection (b) of 35 U.S.C. 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995.

See The American Inventors Protection Act of 1999 (AIPA).

Sir:

This is a Request for Continued Examination (RCE) under CFR 1.114 of the above-identified application.

**NOTE:** 37 CFR 1.114 is effective on May 20, 2000. If the above application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under CFR 1.53(d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 off. Gaz. Pat. Office 47 (Apr. 11, 2000), which Established RCE practice.

**Submission under 37 CFR 1.114**☐ Previously submitted:

- ☐ Consider the amendment(s)/reply under 37 CFR 1.116 previously filed on  
(Any unentered amendment(s) referred to above will be entered).
- ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on
- ☐ Other:

☒ Enclosed:

- ☒ Amendment/Reply
- ☒ Affidavit(s)/Declarations(s)
- ☐ Information Disclosure Statement (IDS)
- ☐ Other:

**Miscellaneous**

- ☐ Suspension of action is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months.  
The fee for this Suspension is (37 CFR 1.17(i)) \$130.00.
- ☐ Other:

11/21/2006 EAYALEW1 00000104 501078 09938937

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Rev 10/04 (RCE)

Page 1 of 2

**CONTINUED EXAMINATION TRANSMITTAL  
(RCE) (37 CFR 1.114) (continued)****ATTORNEY DOCKET NO. 10003516-1**

RCE filing fee \$790.00

**RECEIVED  
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<input checked="" type="checkbox"/>	One month	\$120.00
<input type="checkbox"/>	Two months	\$450.00
<input type="checkbox"/>	Three months	\$1020.00
<input type="checkbox"/>	Four months	\$1590.00

Please charge to Deposit Account 50-1078 the sum of \$910.00 . At any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account 50-1078 pursuant to 37 CFR 1.25.

A duplicate copy of this transmittal letter is enclosed.

- ☐ I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

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Date of Facsimile: 11/20/2006 (3.5 pgs)

Typed Name: Rhonda Zaffino

Signature: Rhonda Zaffino

Respectfully submitted,

Yakhini et al.

By

Cynthia J. Lee  
Cynthia J. Lee  
Attorney/Agent for Applicant(s)

Reg. No. 46,033

Date: November 20, 2006

Telephone No. 770-933-9500

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Title: Use of Unstructured Nucleic Acids in Assaying Nucleic Acid Molecules

COMMISSIONER FOR PATENTS  
P.O. Box 1460  
Alexandria VA 22313-1460

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Attorney/Agent for Applicant(s)

Reg. No. 48,033

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